

## **REMARKS**

Claims 1-9 are pending in the application.

Claims 1-9 stand rejected.

Claims 1-3 and 5 stand rejected under 35 U.S.C. 102(e).

Claim 4 stand rejected under 35 U.S.C. 103(a).

Claims 1, 3, 5 and 7 are amended.

Claims 2, 6, and 8 are cancelled.

New claims 10-13 are added.

No new matter is added.

Claims 1, 3-5, 7, 9 and 10-11 remain in the case for consideration.

Applicant requests reconsideration and allowance of the claims in light of the above amendments and following remarks.

### **Claim Rejections – 35 USC § 102**

Claims 1-3, 5 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,140,208 issued to Agahi et al. (“Agahi”). Applicant respectfully traverses the rejections.

With respect to amended independent claim 1, the claim has been amended to incorporate dependent claim 2 with the exception of the middle temperature oxide (MTO). Agahi fails to disclose “the conformal material layer [comprising] a material selected from the group consisting of high temperature oxide (HTO), aluminum trioxide ( $\text{Al}_2\text{O}_3$ ), and tantalum pentaoxide ( $\text{Ta}_2\text{O}_5$ ),” as recited in amended claim 1. As the Examiner cited, at column 4, lines 53-54, Agahi only discloses the deposition of insulating oxide layer 20 “at a temperature of about 500° to 600° C.” Thus, Agahi fails to disclose each and every element of amended independent claim 1. For at least this reason, the applicant believes claim 1 to be allowable over Agahi and respectfully requests its allowance.

Claims 2-3 depend from claim 1 and for at least the same reason the applicant believes these claims to be allowable over Agahi and respectfully requests their allowance.

With respect to amended independent claim 5, this claim has been amended to recite, for example, “forming a conformal material layer on the thermal oxide layer, wherein the material layer comprises a material selected from the group consisting of high temperature oxide (HTO), aluminum trioxide ( $\text{Al}_2\text{O}_3$ ), and tantalum pentaoxide ( $\text{Ta}_2\text{O}_5$ ).” As discussed above, Agahi fails disclose the conformal material layer comprising a material selected from

the group consisting of high temperature oxide (HTO), aluminum trioxide ( $\text{Al}_2\text{O}_3$ ), and tantalum pentoxide ( $\text{Ta}_2\text{O}_5$ ). For at least this reason, the applicant believes claim 5 to be allowable over Agahi and respectfully requests its allowance.

### **Claim Rejections – 35 USC § 103**

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Agahi as applied to claim 1 above, and further in view of U.S. Pat. No. 6,037,018 issued to Jang et al. ("Jang"). Applicant respectfully traverses the rejection.

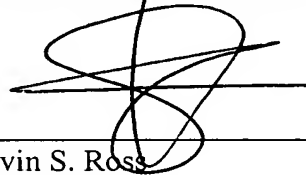
Claim 4 depends from claim 1 and, as discussed above, Agahi fails to disclose each and every element of amended independent claim 1. Jang does not cure the problems of Agahi with respect to claim 1. Thus, for at least this reason, the applicant believes claim 4 to be allowable over Agahi in view of Jang and respectfully requests its allowance.

For the foregoing reasons, reconsideration and allowance of claims 1, 3-5, 7, 9 and 10-13 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

**Customer No. 20575**

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

A handwritten signature in black ink, appearing to be 'Kevin S. Ross', is written over a horizontal line.

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